

LEVIN-EPSTEIN & ASSOCIATE

60 East 42nd Street • Suite 4700 • New York, New
T: 212.792-0048 • E: [Jason@levinepstein.c](mailto:Jason@levinepstein.com)

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/29/2022

Via ECF

The Honorable Analisa Torres, U.S.D.J.
U.S. District Court, Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Xochipa v. IHR1 Construction Inc. et al*
Case No.: 1:22-cv-07332-AT

Dear Honorable Judge Torres:

This law firm represents Plaintiffs Ignacio Xochipa and Jose Luis Oriol (together, the “Plaintiffs”) in the above-referenced matter.

Pursuant to Your Honor’s Individual Motion Practice Rule I(C), this letter respectfully serves to request an extension of time to file a proposed case management plan and scheduling order from November 28, 2022 to, through and including, January 6, 2022. The undersigned counsel wishes to apologize to the Court for making the instant request less than 48-hours prior to the scheduled deadline.

This is the second request of its nature. If granted, this request will not affect any other scheduled deadlines.

The basis for this request is that Defendants IHR1 Construction Inc., Israel Antonio Gomez Hernandez (a/k/a Israel Hernandez) and Mirian Miranda (collectively, the “Defendants”) have not yet appeared in the action.

By way of relevant background, an electronic amended summons was issued as to Defendants on October 27, 2022. [See Dckt. No. 14]. Plaintiff’s process servers are still in the process of serving Defendants with the amended summons and complaint.

A short extension of time is needed in order for the undersigned counsel to ensure that Defendants have both actual and constructive notice of the instant lawsuit. The undersigned intends to prepare the proposed case management plan and scheduling order once Defendants have appeared, or alternatively, proceed with the filing of a motion for default, in the event of Defendants’ failure to appear.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

GRANTED.

SO ORDERED.

Dated: November 29, 2022
New York, New York



ANALISA TORRES
United States District Judge